



## PLANNING COMMISSION MEETING STAFF REPORT JANUARY 12, 2006

**Project:** CENTERVILLE MARKET PLACE- (PLN2006-00110)

**Proposal:** To consider a Planned District Minor Amendment to add approximately 4,600 square feet of interior mezzanine retail space to the approved retail building.

**Recommendation:** Approve based on findings and subject to conditions

**Location:** 37070 Fremont Boulevard in the Centerville Planning Area.  
APNs 501-1426-6-1; 501-1426-8-3; 501-1426-10-2; 501-1426-11; 501-1426-4-3; portion of 501-1426-12-2)  
(See aerial photo next page)

**Area:** 4,600 square foot addition to an approved project of 58,000 square feet of retail and 110 residential units on a 6.6-acre lot

**People:** Charter Development, Applicant  
Jim Tong, Agent of Applicant  
Peter Stackpole, Loving and Campos Architects, Inc., Consultant  
Redevelopment Agency of the City of Fremont, Owner  
Barbara Meerjans, Staff Planner (510) 494-4451

**Environmental Review:** This project complies with the previously approved Mitigated Negative Declaration for the rezoning and other prior actions related to the site.

**General Plan:** Community Commercial Center

**Zoning:** Planned District, P-2005-129 (CSPC)

### **EXECUTIVE SUMMARY:**

---

The applicant is requesting approval of a Planned District Minor Amendment to add approximately 4,600 square feet of interior mezzanine retail space to the one approved retail building without residential units above the retail space. Centerville Market Place is a vertical mixed-use development on a 6.6 acre site located in the Centerville Planning Area and Redevelopment Area. The development was approved by City Council on April 5, 2005. The project includes 58,000 gross square feet of pedestrian-oriented retail space (fronting on both Fremont Boulevard and a new private street known as Market Street) and approximately 110 for-sale townhome style residential units. The proposed interior mezzanine space will be used by the prospective restaurant tenant for private dining rooms and associated service areas, restrooms, stairways, and an elevator. The exterior changes to the approved architecture do not significantly change the appearance of the building. The most visible change is an increase of three feet in the parapet height all around the building.

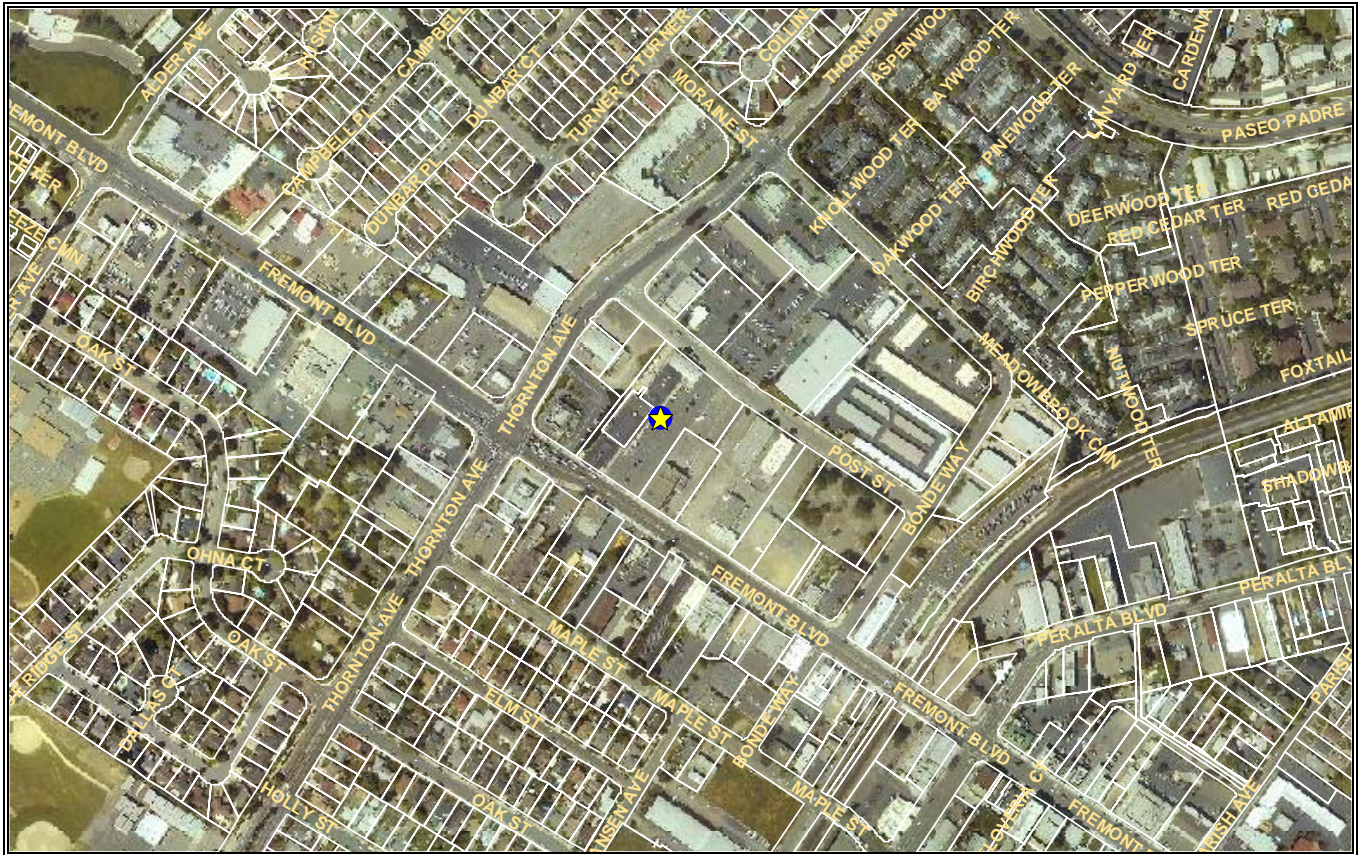


Figure 1: Aerial Map (2002) of Project Site and Surrounding Area.



[1 inch = 375 feet]

**SURROUNDING LAND USES:** North: Commercial uses  
 South: Commercial uses  
 East: Commercial uses, Cemetery  
 West: Commercial uses

## **BACKGROUND AND PREVIOUS ACTIONS:**

---

On September 28, 2004, the business terms and a Conceptual Development Program (CDP) were approved by the Redevelopment Agency Board after extensive public input, including comments from HARB and the Planning Commission. The Redevelopment Agency Board/City Council held a public hearing and took action on the final Disposition and Development Agreement (DDA) between the Agency and Charter Properties. The DDA will provide for the sale of the Site from the Agency to Charter Properties based upon the approved business terms and CDP together with related agreements. The DDA includes many recommended land use and design controls and standards. Planning Commission has made findings of General Plan conformity regarding the DDA on January 27, 2005.

The approved project includes the acquisition of a small “panhandle” portion (which was never improved or used for burials) of the adjoining Pioneer Cemetery and therefore, the Historical Architectural Review Board (HARB) also reviewed the Centerville Market Place project on February 3, 2005. HARB found the proposed project and related land acquisition of the Cemetery Panhandle parcel in conformance with the relevant provisions contained in the City's existing General Plan. The Preliminary and Precise Planned District was approved by City Council on April 5, 2005. The project includes 58,000 gross square feet of pedestrian-oriented retail space (fronting on both Fremont Boulevard and a new private street known as Market Street) and approximately 110 for-sale townhome style residential units.

## **PROJECT DESCRIPTION:**

---

The applicant is requesting approval of a Planned District Minor Amendment to add approximately 4,600 square feet of interior mezzanine retail space to the one approved freestanding retail building without residential units above the retail space. The proposed interior mezzanine space will be used by the prospective restaurant tenant for private dining rooms and associated service areas, restrooms, stairways, and an elevator. The exterior changes to the approved architecture do not significantly change the appearance of the building. The most visible change is an increase of three feet in the parapet height all around the building to accommodate the clearances needed at each floor. The building detailing and proportions are adjusted for the height and exterior wall colors will be applied in the same pattern as previously approved. The enclosed drawings (Sheet 4) provides the previously approved elevations for comparison to the proposed elevations (Sheet 3).

## **PROJECT ANALYSIS:**

---

### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Community Commercial Center. The proposed project is consistent with the existing General Plan land use designation for the project site because the approved Planned District mixed-use project is in conformance with the General Plan land use designation and provides affordable housing and neighborhood revitalization. The proposed project also meets City economic development goals and objectives of the General Plan.

The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

**Fundamental Goal 6:** A unified City with thriving districts and emerging communities, each with it's own identity.

**Policy LU 1.20:** Mixed use (residential/commercial) is allowed in Commercial Districts as specified by the zoning regulations for the respective district in order to increase the vitality and activity within the commercial district.

**Local Economy Goal 3:** A hierarchy of well-defined, vital commercial areas meeting the retail shopping, entertainment and service needs of the Fremont residents.

**Objective LE3.2:** Thriving community commercial centers whose function is to provide a wide range of goods in a focused, identifiable, pedestrian oriented commercial area.

#### Analysis

The project conforms to these goals and objectives of the General Plan because the approved mixed-use project is in conformance with the General Plan land use designation and provides affordable housing and neighborhood revitalization. The proposed addition of private dining rooms within a restaurant enhances the variety of dining opportunities available to individuals and organizations and also meets City economic development goals and objectives of the General Plan.

#### *Centerville Specific Plan Conformance:*

The project site is located in Subarea 1 of the Centerville Specific Plan. Figure C-2 of the Subarea 1 concept plan indicates a new shopping center to be located at the proposed project site. The land use objectives of the Centerville Specific Plan include:

- Enhance viable commercial districts in Centerville.
- Concentrate retail activities in the historic business district of Centerville.
- Promote pedestrian-oriented uses and spaces especially in the historic business district.

The Centerville Market Place will support these objectives by allowing the developer to create a new mixed-use development, with significant retail elements, and centered with a public plaza and new street which will enhance pedestrian uses. The addition of interior retail space further supports the goal of attracting quality tenants.

#### *Redevelopment Plan Conformance:*

The Centerville Market Place project meets a basic goal of redevelopment to consolidate odd shaped parcels in multiple ownerships into more easily developed properties. The Redevelopment Agency designated the project Site as a Unified Development Area and has acquired parcels to facilitate private development of the Site. The Redevelopment Agency has entered into an Exclusive Right to Negotiate Agreement (ERNA) with Charter Properties to negotiate the terms and conditions for the disposition and development of the Site as a mixed-use retail/residential development. The proposed addition of interior retail space project helps further 3 out of 23 goals and objectives identified in the Centerville Redevelopment Plan (page 4). These are:

- A. (Goal #8) The enhancement of viable commercial districts in Centerville, including the attraction and retention of neighborhood serving commercial facilities.** The project will provide an additional 4,600 square feet to the approved 58,000 square feet of retail space (total 62,600 square feet) anchored by several large high quality restaurants. The addition of this enhanced retail experience is expected to improve Centerville's commercial district.
- B. (Goal #9) The concentration of retail activities in the historic business district of Centerville.** The project area is within Subarea 1 of the Centerville Specific Plan which includes Centerville's historic business district. The proposed minor amendment increases the square footage of new high quality retail space in this district to approximately 62,600 square feet.
- C. (Goal #21) The attraction of appropriate new businesses and the retention and expansion of existing businesses in coordination with Citywide economic development programs.** The additional interior mezzanine space for private dining areas is part of the typical operations of the proposed large restaurant tenant.

***Zoning Regulations:***

The site is zoned Planned District, P-2005-129 (CSPC). The retail addition of an interior mezzanine and minor changes of the exterior of the retail building is considered a minor amendment to the approved Planned District design and requires Planning Commission approval. No other changes are proposed

***Parking:***

The original approval for this development approved 270 parking spaces for the retail area (an average of 4.7 spaces per thousand square feet of retail). This exceeded the City's parking standard for a commercial center by approximately 38 spaces. When combined with the 11 spaces that will be available along the project boundary on Post Street, the proposed retail parking exceeded City requirements by 49 spaces. This level of parking exceeded the requirements of the City's Mixed-Use Development Ordinance and is expected to provide ample residential guest parking and extra parking for retail customers during peak hours. The proposed addition of 4,600 square feet requires 18 additional parking spaces beyond the required 232 spaces. The approved design of 270 spaces on site with an additional 11 spaces on Post Street is adequate to meet this requirement. Additionally, a condition of the Planned District required that in the event that additional parking was required during peak hours, the Developer was to pursue off-site valet parking opportunities.

***Design Analysis:***

***Site Planning/Architecture/View Impacts:***

The proposed amendment will not alter the approved site plan. The exterior of the building of the proposed amendment will increase in height three feet at the parapet wall all around the building to accommodate the clearances needed at each floor. The building detailing and proportions are adjusted for the height. Rooftop screen walls are added to screen the rooftop mechanical units from view. The screen walls are set back from the exterior walls of the building to minimize visibility from street level views. The exterior wall colors will be applied in the same pattern as previously approved. The roof height is increased three feet generally from 30 feet to 33 feet. The tower element will increase from 42'3" to 45'3". This height is generally in keeping with the previous approval and is not expected to create view impacts. A height of 40' is allowed in the Community Commercial Districts (the previous

zoning district). The townhouse units have a general height of 38 to 40 feet and the tower element opposite this on Market Place is 55 feet in height.

***Environmental Review:***

An Initial Study and Mitigated Negative Declaration were prepared for the project at the time the Planned District rezoning was considered. A Mitigated Negative Declaration was adopted by the City Council in March of 2005. There are no new impacts that were not analyzed in that environmental document. A finding is proposed that this project does not represent any new impacts not addressed in the Initial Study and Mitigated Negative Declaration adopted March 22, 2005.

**PUBLIC NOTICE AND COMMENT:**

---

Public hearing notification is applicable. A total of 186 notices were mailed to owners and occupants of property within 500 feet of the site. The notices to owners and occupants were mailed on December 29, 2005. A Public Hearing Notice was published by The Argus on December 29, 2005.

**ENCLOSURES:**

---

Site Plan, Elevations, Floor Plans  
Applicant statement

***Exhibits:***

Exhibit "A" Site Plan, Elevations, Floor Plans,  
Exhibit "B" Findings and Conditions

***Informational Items:***

1. Applicant statement

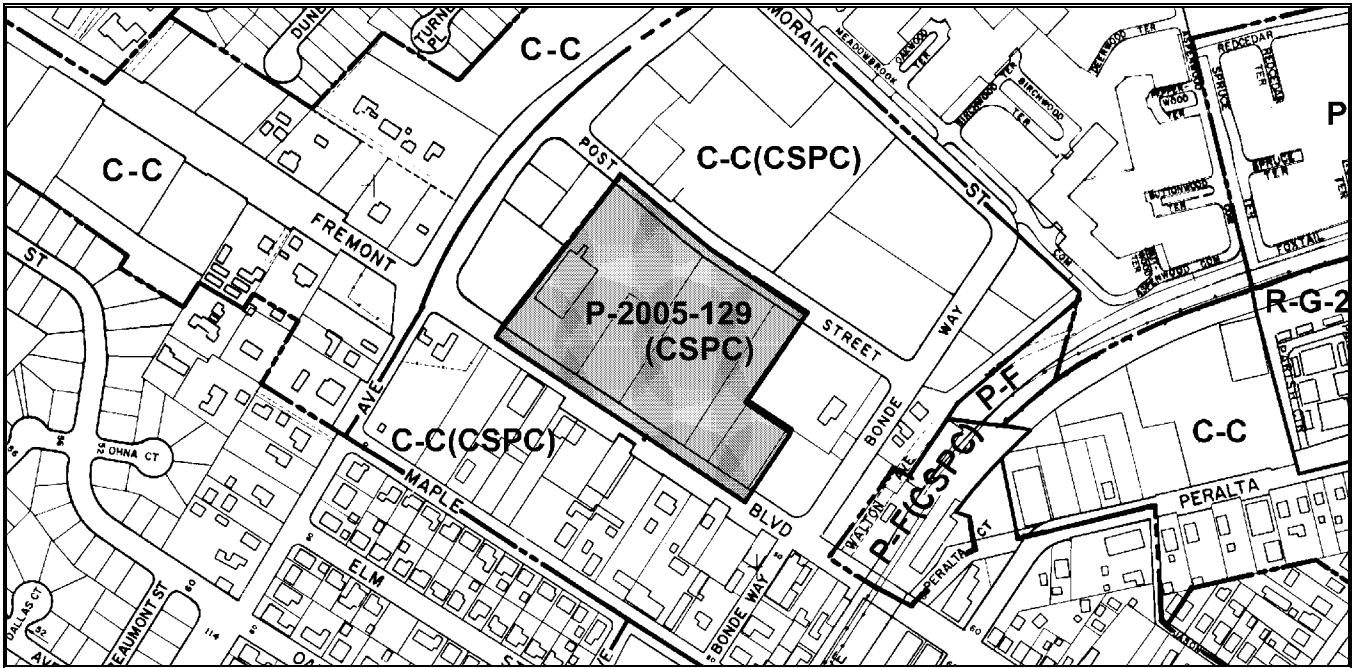
**RECOMMENDATION:**

---

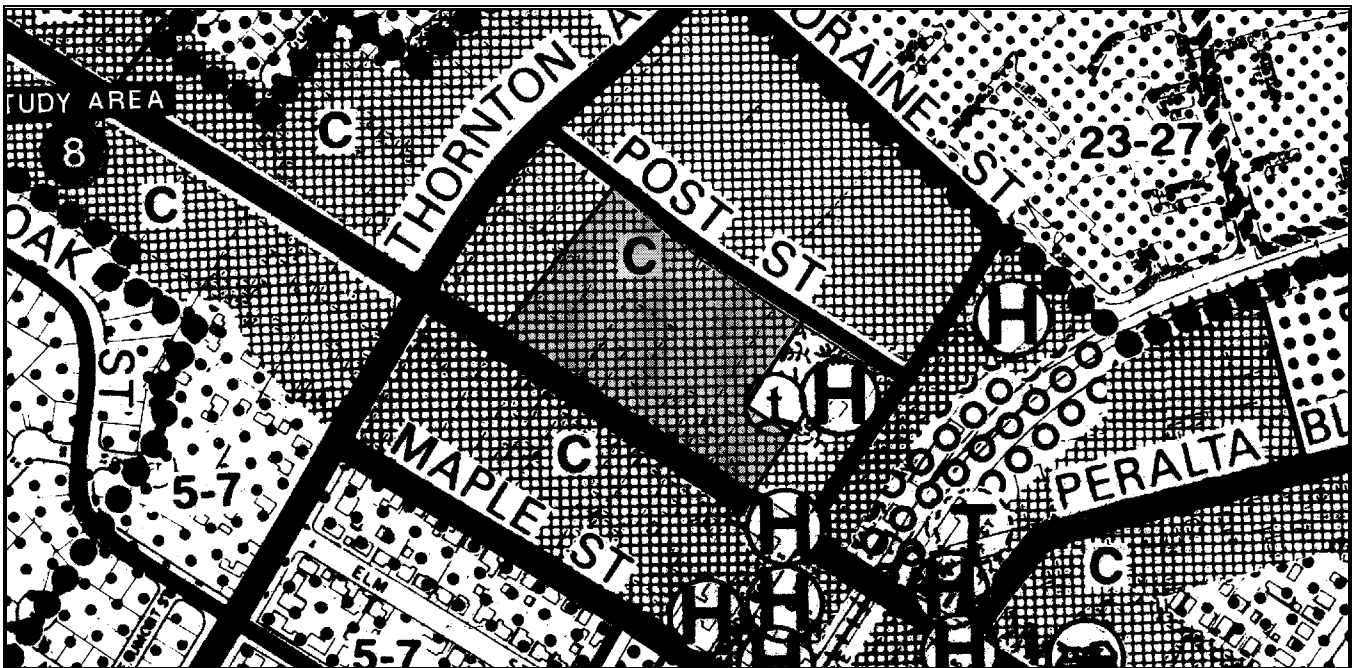
1. Hold public hearing.
2. Find the previously approved Mitigated Negative Declaration addresses the proposed project and no further environmental review is required.
3. Find Centerville Market Place PD Minor Amendment PLN2006-00110 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Local Economy Chapters as enumerated within the staff report. The project conforms to the goals and objectives of the Centerville Specific Plan as enumerated within the staff report.
4. Approve Centerville Market Place PD Minor Amendment PLN2006-00110, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".



Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "B"**  
**CENTERVILLE MARKET PLACE**  
**PLN2006-00110**

**FINDINGS**

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of a preliminary and precise "P" district approval because the project must be completed within pursuant to the deadlines in the DDA, which are within this period of time.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district. The proposed mixed use development is consistent with the Land Use and Housing Elements of the City's General Plan. The applicant has incorporated many features including high quality architecture, site design and landscaping as well as the required affordable housing component. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District and this amendment will allow for development flexibility that is necessary to respond to the unique constraints found at this location with the mixed-use development requirements.
3. Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed. The proposed project is a mixed-use project located in Subarea 1 of the Centerville Specific Plan. The Specific Plan indicates a new shopping center to be located at the proposed project site to concentrate retail activities in the historic business district of Centerville and to promote pedestrian-oriented uses and spaces. The proposed project will support these objectives by allowing the developer to create a new mixed-use development, with significant retail elements, and centered with a public plaza and new street which will enhance pedestrian uses.
4. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. A Planned District is required when a mixed-use project is larger than four acres in size. The mixed-use standards allow flexibility in design to accommodate the different uses. The applicant has incorporated features that warrant approval of the mixed-use project. The project does exceed the C-C Community Commercial District height limit of forty feet. The height at the roofline of the majority of the townhouse units ranges from 38 to forty feet. The height at the roof peak of corner elements and towers varies from 42.5 feet to a maximum of 55 feet on the tower element located at the entry at Fremont Boulevard and Market Street. The increase in height at the corners adds variety to the roof line and creates focal points at the entries to Market Street.



5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. The area surrounding the development is developed and compatible with the proposed development.
6. The "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the goals and policies of the Land Use, Local Economy and Housing Elements of the City's General Plan.
7. That existing or proposed utility services are adequate for the population densities proposed. The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

### **Conditions**

1. The approval of PLN2006-00110 shall conform to Exhibit "A" (Site Plan, Floor Plans, Elevations) and all the conditions of approval set forth herein and all conditions of approval of Planned District and Preliminary Grading Plan, P-2005-129.
2. Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
3. Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Community Development Director or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Community Development Director shall retain the authority to determine the level of review required, including a Planning Commission review.
4. The doors to the private dining rooms shall include a glass area for security purposes subject to review by the Fremont Police Department. The private dining room doors may need to swing out for exiting purposes subject to review during the Development Organization process.
5. Provide exit lighting at all exterior doors.